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BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
OCTOBER 16, 2019**

JOSEPH P. SIEBER, CHAIRPERSON

NANCY W. HUNT, VICE-CHAIRPERSON

BOARD OF REVIEW MEETING OCTOBER 16, 2019

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A regular meeting of the Board of Review was held on Wednesday, October 16, 2019 at 10:00 a.m., in Trenton, New Jersey

PRESENT: Joseph Sieber, Chairman, Nancy Hunt, Vice-Chair and William Scaglione, Executive Secretary.

In accordance with L1975, c.231, the Chairman to the Board of Review opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trenton Times, Newark Star Ledger and Courier Post and posted in the Lobby of the Department of Labor, 1 John Fitch Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

BOARD OF REVIEW MINUTES – OCTOBER 16, 2019 MEETING

SECTION A – HEARING MATTERS

BOARD MINUTES:

Submitted for adoption are the minutes of the October 9, 2019 Board meeting.

ACTION: THE BOARD VOTED TO APPROVE THE MINUTES OF THE OCTOBER 9, 2019 BOARD MEETING

EXECUTIVE SESSION:

AT 10:08 THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE CONCERNING A COURT CASE. DISCUSSION ON SAID CASE IS STILL ONGOING.

AT 10:19 THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AT WHICH TIME THEY VOTED TO RESUME THE OPEN PUBLIC MEETING.

OLD BUSINESS:

1. MARVIN SALAZAR **BOR DKT. 00188864**

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under active search for work, and holding the claimant liable for a non-fraud refund. **(This case was tabled in the meeting of October 9, 2019).**

ACTION: THE BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION AND SET ASIDE THE DETERMINATION OF THE DEPUTY ISSUED ON SEPTEMBER 13, 2019 REGARDING THE CLAIMANT'S ELIGIBILITY.

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. CHERYL COTROTSOS **BOR DKT. 00188521**

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

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2. SHANDRA HARRIS BOR DKT. 00190659

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work, and disputing charges to their account on grounds of exempt employment.

3. JOAN MARCHESE BOR DKT. 00189385

Claimant appealed a determination of the Request for Non-Fraud Refund issued by the Director.

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS VACATED APPEALS TO THE BOARD OF REVIEW.

A-2 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW

1. DION TORRUELLA BOR DKT. 00150347

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

2. KATHLEEN HAUSSER BOR DKT. 00180474

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW.

A-3 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. JORGE SEGURA BOR DKT. 00179386

Employer requests on behalf of the claimant a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held a disqualification of benefits for leaving work voluntarily and liable for a non-fraud refund.

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ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASE AS A DENIAL OF A REQUEST TO REOPEN TO THE BOARD OF REVIEW.

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. FRANK POLLOCK BOR DKT. 00180942

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.

2. ALEXANDER BEDON BOR DKT. 00189753

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

3. KIMBERLY SCHAEFER BOR DKT. 00185480

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

4. CLIFFORD HICKMAN BOR DKT. 00186706

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

5. PEGGY ANNE REINHARDT BOR DKT. 00188840

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

6. PEGGY ANNE REINHARDT BOR DKT. 00188841

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

7. FRANCES DEMIANI BOR DKT. 00190824

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

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8. SHANEL ADKINS BOR DKT. 00189374

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.

9. NANCY ERRIGO BOR DKT. 00189520

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

10. ANTHONY WALLS BOR DKT. 00188755

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

11. MARIA MANZANILLO BOR DKT. 00189159

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

12. CHARLES HUNTER BOR DKT. 00189367

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

13. JESSE GLASCO BOR DKT. 00189029

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

14. JOVANNA BELL BOR DKT. 00186745

Employer appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

15. MIGUEL LOPEZ BOR DKT. 00189636

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for non-fraud refund.

16. TIFFANY SIMMONS BOR DKT. 00188895

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

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17. NAOMI BOADI

BOR DKT. 00188799

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

18. WHITNEY HUTSON

BOR DKT. 00189963

Claimant appealed a decision of the Appeal Tribunal holding no disqualification for voluntarily leaving the work and held the claimant disqualified for discharge for misconduct connected to the work.

19. JENNIFER PINEYRO

BOR DKT. 00189320

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily.

20. ANA CRUZ

BOR DKT. 00177207

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

21. LAWRENCE SANDLER

BOR DKT. 00188785

Employer appealed decision of the Appeal Tribunal holding no disqualification for discharge for misconduct.

22. YDNIMMARIE SIERRA

BOR DKT. 00189154

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for voluntarily leaving the work without good cause attributable to such work and holding the issue of availability for work academic.

23. DANIEL HORAL

BOR DKT 00189421

Claimant appealed decision of the Appeal Tribunal holding a disqualification for discharge for misconduct connected to the work.

24. THERESA GALLOWAY

BOR DKT. 00190674

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

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25. DELENN GNIZDOWSKI BOR DKT. 00188999

Claimant appealed decision of the Appeal Tribunal holding claimant ineligible for benefits on the ground that claimant was employed full-time and holding claimant liable for a non-fraud refund.

26. WALTER HUNDESHAGEN BOR DKT. 00189775

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

27. MANUEL EBORA BOR DKT. 00190224

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.

28. JOSE ROSA BOR DKT. 00188484

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.

29. DANIELA TEIXEIRA BOR DKT. 00181694

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.

30. DENNIS MILLER BOR DKT. 00188105

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

31. DWAYNE MORRISON BOR DKT. 00188714

Employer appealed decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work and a timely appeal.

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.

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A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. KEVIN MENDOZA BOR DKT. 00185323

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

2. LAURA TSOUNIS BOR DKT. 00185804

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES OF REVERSALS OF APPEAL TRIBUNAL DECISIONS.

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. NICOLE SENDNER BOR DKT. 00190777

Claimant appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work and a disqualification of benefits for leaving work voluntarily.

2. LANCE JENSEN BOR DKT. 00183981

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.

3. JOHN MERA BOR DKT. 00188489

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

4. ANASTASIA KARAVANGELOS BOR DKT. 00172394

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as untimely without good cause.

5. SEAN MORGAN BOR DKT. 00186786

Employer appealed a decision of the Appeal Tribunal holding no disqualification for voluntarily leaving the work and no disqualification for discharge for misconduct connected with the work.

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6. JENNIFER HOGGARD BOR DKT. 00171752

Claimant appealed the Appeal Tribunal decision which withdrew the claimant's appeal.

7. LISA SIBLEY BOR DKT. 00194309

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.

8. JAMIE VAZQUEZ BOR DKT. 00183398

Employer appealed a decision of the Appeal Tribunal holding no disqualification for benefits for leaving work voluntarily.

9. MICHAEL VELEZ BOR DKT. 00179927

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.

10. PAREESE JACKSON BOR DKT. 00190491

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

11. TONEA BRISTO BOR DKT. 00186694

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

12. BRIAN SMITH BOR DKT. 00176472

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.

13. ANTHONY DEFRANCO BOR DKT. 00189091

Claimant appealed a decision of the Appeal Tribunal withdrawing the claimant's appeal.

14. ROSE HOLLIDAY BOR DKT. 00188752

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.

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ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 LISA LOWE BOR DKT. 00186884

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION WITH A REWRITE SUPPLEMENTING THE FINDINGS OF FACT.

B-2 DAYONNA HILL BOR DKT. 00189824

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.

B-3 EDWIN PELAEZ BOR DKT. 00186377

Employer appealed a decision of the Appeal Tribunal holding no disqualification for voluntarily leaving the work.

ACTION: THE BOARD VOTED TO REMAND THE ABOVE CASE FOR ADDITIONAL TESTIMONY.

B-4 ANGEL DUNSTON BOR DKT. 00178211

Employer appealed a decision of the Appeal Tribunal holding the claimant not an independent contractor.

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ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION BUT ADD THAT CLAIMANT WAS DISQUALIFIED FOR BENEFITS.

B-5 JOHN CRUICKSHANK BOR DKT. 00187248

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

ACTION: THE BOARD VOTED TO AFFIRM THE DECISION OF THE APPEAL TRIBUNAL.

B-6 STEVEN TANIS BOR DKT. 00182845

Deputy appealed a decision of the Appeal Tribunal holding the claimant liable for a non-fraud refund.

ACTION: THE BOARD VOTED TO REMAND TO THE APPEAL TRIBUNAL TO CONSIDER NEW EVIDENCE.

B-7 ROSA PEREZ BOR DKT. 00187919

Employer appealed the decision of the Appeal Tribunal holding a disqualification for benefits for misconduct connected with the work. **(This case was on the Agenda on October 9, 2019 and is on this agenda again for reconsideration.)**

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.

B-8 DAPHNE KAPLAN BOR DKT. 00144288

Case remanded from Superior Court to review the monetary eligibility on the claim dated August 20, 2017 and for non-fraud refund request. **(This case was on the August 28, 2019 agenda and is being put back on this agenda for reconsideration).**

ACTION: THE BOARD VOTED TO HAVE THE APPEAL TRIBUNAL REOPEN THESE CASES. ONCE THE CASES ARE

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REOPENED THE BOARD WILL REMAND FOR CONSISTENCY AND CONTINUITY.

B-9 IVETTE M. CALLO

BOR DKT. 00140001

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for gross misconduct connected with the work on 12/03/17. **(This case was on the agenda on July 24, 2019 as a request for reconsideration from the Superior Court).**

ACTION: THE BOARD VOTED TO HAVE THE APPEAL TRIBUNAL REOPEN THESE CASES. ONCE THE CASES ARE REOPENED THE BOARD WILL REMAND FOR CONSISTENCY AND CONTINUITY.

B-10 NICOLE LAWRIE-JACKSON

BOR DKT. 00140239

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for gross misconduct connected with the work on 12/03/17. **(This case was on the agenda on July 24, 2019 as a request for reconsideration from the Superior Court).**

ACTION: THE BOARD VOTED TO HAVE THE APPEAL TRIBUNAL REOPEN THESE CASES. ONCE THE CASES ARE REOPENED THE BOARD WILL REMAND FOR CONSISTENCY AND CONTINUITY.

B-11 CECELIA BETHEA

BOR DKT. 00143116

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for gross misconduct connected with the work on 12/03/17. **(This case was on the agenda on July 24, 2019 as a request for reconsideration from the Superior Court).**

ACTION: THE BOARD VOTED TO HAVE THE APPEAL TRIBUNAL REOPEN THESE CASES. ONCE THE CASES ARE REOPENED THE BOARD WILL REMAND FOR CONSISTENCY AND CONTINUITY.